

Senate Chamber, Atlanta, Georgia
Wednesday, February 2, 2005
Eleventh Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 103. By Senators Wiles of the 37th and Whitehead, Sr. of the 24th:

A BILL to be entitled an Act to amend Code Section 20-2-316, relating to required criteria for athletic associations organizing interscholastic sports events for state funded high schools, so as to establish certain criteria relating to mandatory classification of high schools according to student enrollment; to provide for other related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SB 104. By Senators Wiles of the 37th, Stoner of the 6th, Hill of the 32nd, Rogers of the 21st and Thompson of the 33rd:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3693), so as to change the compensation of the solicitor-general; to change the provisions relating to the compensation of assistant solicitors; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

- SB 105. By Senators Stoner of the 6th, Hamrick of the 30th, Thompson of the 5th, Rogers of the 21st, Powell of the 23rd and others:

A BILL to be entitled an Act to amend Part 3 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to the sale or distribution of harmful materials to minors, so as to define a certain term; to provide that it shall be unlawful for any person knowingly to sell, rent, or loan for monetary consideration an excessively violent video game or a video game containing material which is harmful to minors; to provide for penalties; to repeal conflicting laws; and for other purposes.

Referred to the Science and Technology Committee.

- SB 106. By Senators Stoner of the 6th, Hamrick of the 30th, Thompson of the 5th, Rogers of the 21st, Powell of the 23rd and others:

A BILL to be entitled an Act to amend Code Section 16-12-103 of the Official Code of Georgia Annotated, relating to selling, loaning, or distributing harmful material to minors, so as to define a certain term; to provide that a video game retailer shall display a sign explaining each rating system which appears on a video game offered by such retailer; to provide a penalty; to repeal conflicting laws; and for other purposes.

Referred to the Science and Technology Committee.

- SB 107. By Senators Williams of the 19th, Tolleson of the 20th, Hill of the 4th, Powell of the 23rd and Grant of the 25th:

A BILL to be entitled an Act to amend Article 2 of Chapter 4 of Title 32 of the Official Code of Georgia Annotated, relating to the state highway system, so as to add an additional route to the Developmental Highway System; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Transportation Committee.

- SB 108. By Senators Shafer of the 48th, Hill of the 4th, Cagle of the 49th, Schaefer of the 50th, Balfour of the 9th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 50 of the Official

Code of Georgia Annotated, relating to general provisions concerning state government, so to provide that no state agency or state officer shall accept or utilize certain grants or funds except under certain conditions; to repeal conflicting laws; and for other purposes.

Referred to the Appropriations Committee.

SB 109. By Senators Unterman of the 45th, Thomas of the 54th and Smith of the 52nd:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to provide for legislative findings; to provide for definitions; to provide for immunity; to provide for applicability; to provide for notification of health care providers; to amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to health, so as to establish the Pain Management Ad Hoc Advisory Committee; to provide for such committee's membership, duties, and duration; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 110. By Senators Unterman of the 45th, Thomas of the 54th and Smith of the 52nd:

A BILL to be entitled an Act to amend Title 43 of the O.C.G.A., relating to regulation of professions and businesses, so as to add a new Chapter 24A regulating the practice of massage therapy; to provide a short title; to provide legislative findings and intent; to provide for certain definitions; to create the Georgia Board of Massage Therapy; to provide for membership on the board; to provide for meetings of the board; to provide for powers of the board; to provide for licensure of massage therapists; to provide for provisional permits; to provide for applications under oath; to provide for licensing examinations; to provide for requirements relating to a license; to provide for violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

The following committee report was read by the Secretary:

Mr. President:

The Regulated Industries and Utilities Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 55 Do Pass by substitute
 SB 68 Do Pass by substitute

Respectfully submitted,
 Senator Seabaugh of the 28th District, Chairman

The following legislation was read the second time:

SR 49

Senator Seabaugh of the 28th asked unanimous consent that Senator Mullis of the 53rd be excused. The consent was granted, and Senator Mullis was excused.

Senator Chance of the 16th asked unanimous consent that Senator Unterman of the 45th be excused. The consent was granted, and Senator Unterman was excused.

Senator Johnson of the 1st asked unanimous consent that Senator Stephens of the 27th be excused. The consent was granted, and Senator Stephens was excused.

The roll was called and the following Senators answered to their names:

Adelman	Hill,Jack	Shafer,D
Balfour	Hill,Judson	Smith
Bulloch	Hooks	Starr
Butler	Hudgens	Staton
Cagle	Johnson	Stoner
Carter	Jones	Tate
Chance	Kemp	Thomas,D
Chapman	Me V Bremen	Thomas,R
Douglas	Miles	Thompson,C
Goggans	Moody	Thompson,S
Golden	Pearson	Walker
Grant	Powell	Weber
Harbison	Rogers	Whitehead
Harp	Schaefer,N	Wiles
Heath	Seabaugh	Williams
Henson	Seay	Zamarripa

Not answering were Senators:

Brown	Fort	Hamrick
Mullis (Excused)	Reed	Stephens (Excused)
Tolleson	Unterman (Excused)	

The following members were off the floor of the Senate when the roll was called and wish to be recorded as present:

Senators: Brown Fort Reed

The members pledged allegiance to the flag.

Senator Douglas of the 17th introduced the chaplain of the day, Reverend Randy Kanipe of Covington, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 68. By Senators Carter of the 13th and Kemp of the 46th:

A RESOLUTION commending and expressing appreciation to the Tift County Sheriff's Office; and for other purposes.

SR 69. By Senator Hill of the 32nd:

A RESOLUTION commending Saint Joseph's Hospital on 125 years of excellence in health care and recognizing March 8, 2005, as "Saint Joseph's Hospital Day"; and for other purposes.

SR 70. By Senators Hooks of the 14th, Hamrick of the 30th and Harp of the 29th:

A RESOLUTION commending the Auburn University football team; and for other purposes.

SR 71. By Senators Tolleson of the 20th, Harp of the 29th, Bulloch of the 11th, Hudgens of the 47th, Williams of the 19th and others:

A RESOLUTION commending the Professional Association of Georgia Educators (PAGE) and recognizing "PAGE Day on Capitol Hill"; and for other purposes.

SR 72. By Senators Bulloch of the 11th, Tolleson of the 20th, Kemp of the 46th, Hudgens of the 47th, Pearson of the 51st and others:

A RESOLUTION recognizing and commending the Georgia Farm Bureau Federation; and for other purposes.

Senator Johnson of the 1st asked unanimous consent to suspend Senate Rule 9-1.4(b) to permit former Senator Hugh Gillis to address the Senate.

The consent was granted, and Senate rule 9-1.4(b) was suspended.

SR 58. By Senators Tolleson of the 20th, Starr of the 44th, Johnson of the 1st, Stephens of the 27th, Kemp of the 46th and others:

A RESOLUTION recognizing and commending Mr. Hugh M. Gillis, Sr., for his outstanding public service; and for other purposes.

The Honorable Governor Sonny Perdue addressed the Senate to honor former Senator Hugh Gillis. Senators Starr of the 44th and Tolleson of the 20th spoke to SR 58, adopted previously, honoring Hugh Gillis. Hugh Gillis addressed the Senate briefly.

Senator Pearson of the 51st introduced the doctor of the day, Dr. Gene Westmoreland.

Senator Whitehead of the 24th recognized the AAAA State Champion Greenbriar High School softball team.

SENATE RULES CALENDAR
WEDNESDAY, FEBRUARY 2, 2005
ELEVENTH LEGISLATIVE DAY

SB 48 Renal Dialysis Advisory Council; revise; dialysis facilities; eliminate certain provisions (H&HS-52nd)

SB 51 Clinical Laboratories; technicians; provide degree of supervision (H&HS-30th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 48. By Senators Smith of the 52nd, Thomas of the 54th, Mullis of the 53rd, Tolleson of the 20th and Rogers of the 21st:

A BILL to be entitled an Act to state a general intent to eliminate the future "sunset" of certain provisions relating to renal disease facilities; to provide that provisions of the Official Code of Georgia Annotated relating to renal disease facilities which were in effect and applicable on January 1, 2005, shall remain in effect and applicable until and unless changed by future Act of the General Assembly; to amend an Act amending Title 31 of the O.C.G.A., relating to

health, which Act was approved April 20, 2000 (Ga. L. 2000, p. 526); to amend Code Section 31-44-3 of the O.C.G.A., so as to revise certain provisions relating to membership on the Renal Dialysis Advisory Council; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	E Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S
Y Fort	E Mullis	Y Tolleson
Y Goggans	Y Pearson	E Unterman
Y Golden	Powell	Y Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer,N	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 52, nays 0.

SB 48, having received the requisite constitutional majority, was passed.

SB 51. By Senators Hamrick of the 30th, Heath of the 31st and Thomas of the 54th:

A BILL to be entitled an Act to amend Code Section 31-22-1 of the Official Code of Georgia Annotated, relating to definitions relative to clinical laboratories, so as to provide for the degree of supervision of technicians in clinical laboratories; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
N Balfour	Y Hill,Judson	Y Starr
N Brown	N Hooks	Y Staton
Y Bulloch	Y Hudgens	E Stephens
Y Butler	Y Johnson	N Stoner
Y Cagle	Y Jones	Y Tate
N Carter	Y Kemp	Y Thomas,D
Y Chance	N Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	N Thompson,C
Y Douglas	Y Moody	N Thompson,S
Y Fort	E Mullis	Y Tolleson
Y Goggans	N Pearson	E Unterman
Y Golden	Y Powell	Y Walker
Y Grant	N Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer,N	Y Wiles
N Harp	Y Seabaugh	Y Williams
Y Heath	N Seay	N Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 40, nays 13.

SB 51, having received the requisite constitutional majority, was passed.

The following communication was received by the Secretary:

Senator Joseph Carter
District 13
304-A Legislative Office Building
Atlanta, GA 30334

Committees:
Education and Youth
Economic Development
Judiciary
Public Safety and Homeland Security

The State Senate
Atlanta, Georgia 30334

February 2, 2005

Frank Eldridge
Secretary of the Senate

353 State Capitol
Atlanta, Georgia 30334

Ref: SB 51

Dear Mr. Secretary,

Please let the Journal reflect that my vote on SB 51 should be recorded as a yea vote.
Upon expiration for time of voting the voting board on the floor indicated otherwise.

Thank you for your prompt attention to this matter.

Sincerely,

/s/ Joseph Carter

Senator Johnson of the 1st moved that the Senate adjourn until 10:00 a.m. Thursday,
February 3, 2005.

The motion prevailed, and the President announced the Senate adjourned at 11:24 a.m.